

Application No.: 09/810916

Case No.: 51932US015

Remarks

Reconsideration and continued prosecution of this application is respectfully requested in view of the amendments above and the remarks that follow.

Claims 3-11 remain pending. Independent claim 3 is being amended to recite that the at least one axial rod heater "extends along at least one of the first and second plurality of conduits". Support can be found in the description of the preferred placement of the axial rod heater(s) at page 33 line 26 to page 34 line 15 of the clean substitute specification. See also FIGS. 3 and 4. No new matter has been added.

The Office Action rejected claims 3, 4, and 7-9 as anticipated by U.S. Patent 5,389,324 (Lewis et al.). This rejection cannot be sustained.

Leaving aside for the time being the questions of: (1) whether either the orifice 18 or the feedblock 48 of Lewis et al satisfy the claim requirement of "providing a slot die for each of the first and second plurality of conduits such that the first and second streams are divided into a plurality of interleaved layers to yield a composite stream", and (2) whether the cartridge heaters 50 of Lewis et al. satisfy the claim requirement of "at least one axial rod heater", claim 3 as amended now recites that the at least one axial rod heater in the heating step "extends along at least one of the first and second plurality of conduits". In this way, for example, a single axial rod heater can heat or control the temperature profile of a large number of such conduits, each of which feeds a separate slot die and hence a separate layer of the multilayer film. In contrast, the heaters 50 of Lewis et al. are aligned parallel to the individual slots 40 by which they are placed. The Lewis et al. heaters do not extend along a plurality of the slots 40, and so cannot perform the heating step called for in amended claim 3. The same can be said for dependent claims 4 and 7-9; hence, the rejection of claims 3, 4, and 7-9 should be withdrawn.

The Office Action rejected claims 5 and 6 as being obvious (35 USC § 103(a)) over Lewis et al., postulating that the exact placement of the heaters and the use of heaters that have a variable temperature along their length would have been within the skill level of the art, and referencing col. 8 lines 31-58 of Lewis et al.

The cited paragraph however provides no rationale why one would be motivated to, for example, vary the temperature of Lewis et al.'s heaters 50 along their length. Such variation

Application No.: 09/810916Case No.: 51932US015

would accomplish no useful end in view of the manner of heating taught in the reference. Further, claims 5 and 6 depend from independent claim 3, which is submitted to be allowable for the reasons cited above. Withdrawal of the rejection of claims 5 and 6 is respectfully requested.

The Office Action also rejected dependent claims 10 and 11 as obvious (35 U.S.C. 103(a)) over Lewis et al. in view of U.S. Patent 4,348,349 (Kurtz). These claims depend directly or indirectly from claim 3, which is submitted to be allowable for the reasons given above. Therefore, withdrawal of the rejection of claims 10 and 11 is respectfully requested.

Application No.: 09/810916

Case No.: 51932US015

Conclusion

Pending claims 3-11 are believed to be allowable in view of the foregoing comments.

Beyond the fees authorized above, it is believed that no further fee is due; however, if any additional fee is required, please charge such fee to Deposit Account No. 13-3723.

Respectfully submitted,

24 May 2004  
Date

By: Stephen C. Jensen  
Stephen C. Jensen, Reg. No.: 35,207  
Telephone No.: (651) 736-3369

Office of Intellectual Property Counsel  
3M Innovative Properties Company  
Facsimile No.: 651-736-3833